

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JEFFREY D. ALBRIGHT, NORMAN T.
BOIRE, GARY M. DIETZ, WILLIAM H.
ERDMAN, MICHAEL W. FRITZ,
A. RONALD FROMBAUGH, RALPH A.
HARRIS, ALLEN W. LANDIS, LOWELL
MCGUIRE, WALTER R. MINICH,
RAYMOND C. NEVINS, STANLEY L. NYE,
VINCENT RAMIREZ, JR., KEITH E.
SCRIGNOLI, RAY G. SNYDER, JR., and
LAWRENCE D. WELKER,

Plaintiffs

v.

DANIEL A. VIRTUE, Business Agent of the
International Brotherhood of Teamsters;
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS; LOCAL 776, INTERNATIONAL
BROTHERHOOD OF TEAMSTERS; ABF
FREIGHT SYSTEM, INCORPORATED,

Defendants

Case No. 1:CV-00-878
Judge Sylvia H. Rambo

FILED
HARRISBURG, PA

NOV 01 2002

MARY E. D'AMORE, CLERK
Per *[Signature]*
Deputy Clerk

**PLAINTIFFS' REPLY TO DEFENDANT ABF FREIGHT SYSTEM, INC.'S
RESPONSE TO PLAINTIFFS' MOTION FOR EXTENSION OF TIME FOR
DISCOVERY**

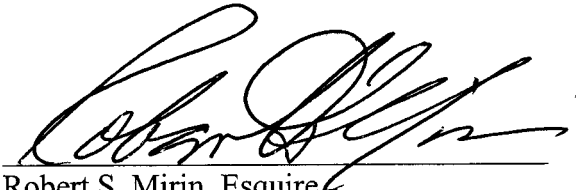
AND NOW COMES Plaintiffs' by and through their counsel, Robert S. Mirin, Esquire
of Ahmad & Mirin in response to *Defendant ABF Freight System, Inc.'s Response to Plaintiffs'*
Motion for Extension of Time for Discovery and avers the following:

1. Mr. Candiello was and has never been involved in this case nor discussions concerning the status of discovery involving counsel.
2. Earlier in the discovery period, Plaintiffs' counsel attempted to arrange a discovery conference with the Court but as a result decisions at the depositions taken on October 25, 2002, it was believed that the matters had been resolved.

3. Mr. Candiello apparently is unaware of the continuing scheduling difficulties which Mr. Virtue continues to present.
4. a.) The status of Connie Chambers was elucidated in the October 25th deposition of Gordon Ringberg, ABF Vice President, and as a consequence it is necessary to take her deposition.
b.) Ms. Chambers and Mr. Ringberg appear to have been involved in the preparation and maintenance of the ambiguous 5.5 form produced in discovery.
5. As to Item 4, see attached correspondence.
6. Plaintiffs attempted to call Ms. Weiss and Mr. Weinstock concerning amount of time to be requested which includes taking and word processing of depositions to be taken.
7. Mr. Candiello not having been privy to discussions with Ms. Weiss and Mr. Walsh would not be aware of miscellaneous outstanding discovery.
8. Initially both the Union and the employer had different counsel working on this case:
 - 1.) For the employer: Mary Walsh
 - 2.) For the Union: Wendy Bowie
9. The amount of time requested reflected Plaintiffs' counsel's assessment of the time necessary to fully complete the outstanding process.

WHEREFORE, Plaintiffs' counsel respectfully requests that the Court schedule a discovery conference if deemed necessary.

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'Robert S. Mirin', written over a horizontal line.

Robert S. Mirin, Esquire
ID# 25305
AHMAD & MIRIN
8150 Derry Street, Suite A
Harrisburg, PA 17111
(717) 909-4343
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I, Sherry A. Clark, hereby certify that on this 1st day of November, 2002, a copy of *Plaintiffs' Response to Defendant ABF Freight System, Inc.'s Response to Plaintiffs' Motion for Extension of Time for Discovery* was served via first-class mail, postage prepaid, on the following:

VIA FACSIMILE AND FIRST-CLASS MAIL


Joseph E. Santucci, Jr.
Robyn Weiss (202) 739-3001
MORGAN, LEWIS & BOCKIUS, L.L.P.
1111 Pennsylvania Avenue, N.W.
Washington, DC 20004

Ira Weinstock
Jason Weinstock (717) 238-6691
IRA WEINSTOCK, P.C.
800 N. 2nd Street
Harrisburg, PA 17102

VIA FIRST-CLASS MAIL

Vincent Candiello
MORGAN, LEWIS & BOCKIUS, L.L.P.
One Commerce Square
417 Walnut Street
Harrisburg, PA 17101

James A. McCall
Special Counsel
INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, N.W.
Washington, DC 20001


Sherry A. Clark, Paralegal

AHMAD & MIRIN, LLC

Counselors and Attorneys at Law

Anser Ahmad, Esq.
Robert S. Mirin, Esq.

8150 Derry Street
Harrisburg, PA 17111
(717) 909-4343
Fax: (717) 561-1616

VIA FACSIMILE AND FIRST-CLASS MAIL

October 8, 2002

Jason Weinstock
IRA WEINSTOCK, P.C.
800 N. 2nd Street
Harrisburg, PA 17102

RE: Albright, et al. v. Virtue, et al.
1:CV-0-878

Dear Mr. Weinstock:

Our office received the dates in which Daniel Virtue is available on Friday, October 4, 2002, while I was in depositions. Unfortunately, those dates are outside the discovery deadline. We have been trying to arrange discovery since the summer months. I have no choice but to go to Judge Rambo and request the Court's assistance in this matter.

If you have any questions or concerns, please contact my office at (717) 909-4343.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert S. Mirin" followed by a stylized flourish or initials.

Robert S. Mirin, Esquire

RSM/sac

AHMAD & MIRIN

Counselors and Attorneys at Law

FAXED
10-8-02

8150 Derry Street, Suite A
Harrisburg, PA 17111-5260
Phone: (717) 909-4343 Fax: (717) 561-1616

FACSIMILE TRANSMISSION COVER SHEET

DELIVER TO: *Jason Weinstock* FROM: *Robert S. Mirin*
FAX NUMBER: *238-6691*
DATE: *10/8/02* TIME: *3:31* a.m./p.m.
TOTAL NUMBER OF PAGES
INCLUDING COVER SHEET: *2*
CLIENT/FILE NUMBER: *Albright, et. al. v. Virtue, et al.*
COMMENTS:

URGENT? ☒ YES ☐ NO

REPLY REQUESTED? ☒ YES ☐ NO

CONFIDENTIAL? ☒ YES ☐ NO

ORIGINAL TO FOLLOW? ☒ YES ☐ NO

CONFIDENTIALITY

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER THE APPLICABLE LAW. IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, DISTRIBUTION OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS TELECOPIED INFORMATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US BY TELEPHONE IMMEDIATELY AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

MESSAGE

IF YOU DO NOT RECEIVE ALL PAGES INDICATED OR THE COPY RECEIVED IS ILLEGIBLE, PLEASE CALL THE CONFIRMING NUMBER AS SOON AS POSSIBLE FOR RETRANSMISSION.

LAW OFFICES
IRA H. WEINSTOCK, P. C.

SUITE 100
800 N. SECOND STREET
HARRISBURG, PENNSYLVANIA 17102

AREA CODE 717
TELEPHONE: 238-1657



FAX: (717) 238-6691

E-MAIL ADDRESS
weinstock.law@verizon.net

IRA H. WEINSTOCK
WENDY D. BOWIE
JASON M. WEINSTOCK
JOHN B. DOUGHERTY
JEFFREY R. SCHOTT
MAGGI E. COLWELL

October 10, 2002

Robert S. Mirin, Esquire
AHMAD & MIRIN
8150 Derry Street, Suite A
Harrisburg, PA 17111-5260

RE: Albright, et al. v. Virtue, et al.

Dear Mr. Mirin:

I am in receipt of your letter dated October 8, 2002. I have provided you the dates of Mr. Virtue's availability as per your request. Mr. Virtue is available November 4 through November 8, 2002 for a deposition. As I have advised you, I have no objection to extending the discovery deadline for the sole purpose of scheduling Mr. Virtue's deposition. You only recently requested dates for Mr. Virtue's deposition. Consequently, I do not see any reason why you should request Judge Rambo's assistance in this matter in that my Client is voluntarily agreeing to attend a deposition.

We still await responses to our discovery requests from you. Please recall several of your clients came to their depositions with materials, which have not been produced to date.

Please be guided accordingly.

Very truly yours,


JASON M. WEINSTOCK

JMW:rln
cc: Robyn Weiss, Esquire

AHMAD & MIRIN, LLC

Counselors and Attorneys at Law

Anser Ahmad, Esq.
Robert S. Mirin, Esq.

8150 Derry Street
Harrisburg, PA 17111
(717) 909-4343
Fax: (717) 561-1616

VIA FACSIMILE AND FIRST-CLASS MAIL

October 24, 2002

Jason Weinstock, Esquire
IRA WEINSTOCK, P.C.
800 N. 2nd Street
Harrisburg, PA 17102

RE: Albright, et al. v. Virtue, et al.
1:CV-00-878

Dear Mr. Weinstock:

I am in receipt of your letter dated October 10, 2002. To refresh your memory, the requests for the available dates for Mr. Virtue's deposition have been requested at and during several of the depositions. Also, your predecessor, Wendy Bowie, agreed earlier to produce Mr. Virtue, a promise that remained unfulfilled. I mentioned this need to you on four (4) or five (5) occasions and was promised dates. Finally, when you stopped attending depositions and did not return calls; I wrote you asking yet again for a date. Subsequently, you offered a date outside the scheduled discovery period.

Furthermore, as far as I am aware, the only person that has the authority to extend the discovery deadline in this case is Judge Rambo. However, the discovery deadline has already been extended a number of times and I am unsure as to whether or not she will be willing to extend the deadline any longer. It is my understanding that Judge Rambo would like for the case to proceed to the next phase without further delay.

Therefore, I must reiterate that the dates you have provided November 4, 2002 through November 8, 2002, as still outside the discovery deadline, which is still currently October 31, 2002.

Jason Weinstock, Esq.
October 24, 2002
Page 2

If you should have any questions, please feel free to contact my office at (717) 909-4343.

Sincerely,


Robert S. Mirin

Not sent.

VIA FACSIMILE AND FIRST-CLASS MAIL

October 25, 2002

The Honorable Judge Sylvia Rambo
United States District Court
Middle District of Pennsylvania
Federal Building
P.O. Box 868
Harrisburg, PA 17108-0868

RE: Albright, et al. v. Virtue, et al.
1:CV-00-878

Dear Judge Rambo:

Per the conversation between your law clerk and my paralegal, I am writing to request that your Honor schedule a conference call concerning a discovery dispute. On numerous occasions, I have tried to schedule Daniel Virtue to be deposed. Opposing counsel, Jason Weinstock, has provided the dates of November 4, 2002 through November 8, 2002. These dates are outside the discovery deadline. Attached you will find copies of the correspondence concerning this matter.

It would be greatly appreciated if your Honor would please schedule a conference call to settle this dispute so that the case may move forward. Thank you in advance for your consideration in this matter. If you should have any questions or concerns, please contact my office at (717) 909-4343.

Sincerely,

Robert S. Mirin

RSM/sac

Enclosures

HP OfficeJet T Series
Personal Printer/Fax/Copier/Scanner

Fax History Report for

Oct 31 2002 3:12pm

Last Fax

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Oct 31	3:09pm	Sent	2386691	1:50	6	OK

Result:

OK - black and white fax
OK color - color fax

AHMAD & MIRIN
LAW OFFICES
SUITE A
8150 DERRY STREET
HARRISBURG, PA 17111
TELEPHONE: (717) 909-4343
FAX: (717) 561-1616

LETTER OF TRANSMITTAL

DATE: OCTOBER 31, 2002

**NUMBER OF SHEETS
INCLUDING COVER: 106**

TO: JASON WEINSTOCK, ESQUIRE

FAX NUMBER: 717-238-6691

FROM: ROBERT S. MIRIN, ESQUIRE

MESSAGE: RE: ABF

THANK YOU,

SPECIAL INSTRUCTIONS: THE INFORMATION CONTAINED IN THIS TRANSMISSION IS PRIVILEGED AND CONFIDENTIAL. IT IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPY OF THIS COMMUNICATION MAY BE STRICTLY PROHIBITED. IF YOU RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE COLLECT AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE LISTED ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

ORIGINAL DOCUMENT: XXX WILL _ WILL NOT FOLLOW VIA MAIL

AHMAD & MIRIN

Counselors and Attorneys at Law

Anser Ahmad, Esquire
Robert S. Mirin, Esquire

8150 Derry Street
Harrisburg, PA 17111
Phone (717) 909-4343
Fax: (717) 561-1616

October 31, 2002

Ira Weinstock
Jason Weinstock
IRA WEINSTOCK, P.C.
800 N. 2nd Street
Harrisburg, PA 17102

VIA FACSIMILE AND FIRST CLASS MAIL

Dear Jason:

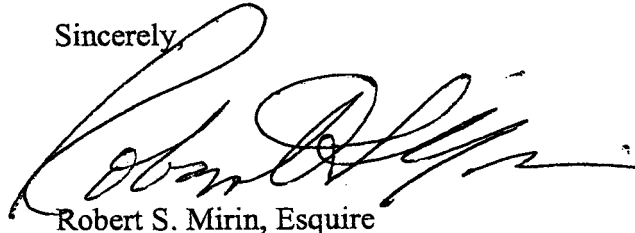
As you know by know we have faxed you the Motion to Extend the Discovery Deadline filed in the ABF. In addition I have reviewed your fax to me today and I believe that we must be on different pages in as much as we had requested Mr. Virtue's Deposition from the time this matter was returned from the Third Circuit on remand. Not with standing, I believe we have worked out a methodology for completing that discovery by scheduling Mr.. Virtue for the first (1st) week of November and Mr. Charles Shugert for the second (2nd) week of November.

Your cooperation is appreciated, possibly, we need to monitor phone call messages at both ends to see if, when, and where the problems lies.

Thank you for your fax. We are moving ahead.

If you should have any questions please contact me at 717-909-4343.

Sincerely,



Robert S. Mirin, Esquire

RM/kw
Cc: Robyn Weiss, Esquire

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JEFFREY D. ALBRIGHT, NORMAN T.
BOIRE, GARY M. DIETZ, WILLIAM H.
ERDMAN, MICHAEL W. FRITZ,
A. RONALD FROMBAUGH, RALPH A.
HARRIS, ALLEN W. LANDIS, LOWELL
MCGUIRE, WALTER R. MINICH,
RAYMOND C. NEVINS, STANLEY L. NYE,
VINCENT RAMIREZ, JR., KEITH E.
SCRIGNOLI, RAY G. SNYDER, JR., and
LAWRENCE D. WELKER,

Plaintiffs

v.

DANIEL A. VIRTUE, Business Agent of the
International Brotherhood of Teamsters;
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS; LOCAL 776, INTERNATIONAL
BROTHERHOOD OF TEAMSTERS; ABF
FREIGHT SYSTEM, INCORPORATED,

Defendants

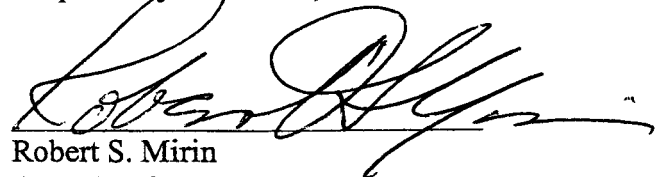
Case No. 1:CV-00-878
Judge Sylvia H. Rambo

NOTICE OF DEPOSITION

PLEASE TAKE NOTICE that Plaintiffs Albright, et al., by their counsel, shall take the deposition upon oral examination of Charles Shugert on November 11, 2002 at 12:00 p.m. at the law offices of Ahmad & Mirin, 8150, Harrisburg, PA 17101. The deposition shall continue from day to day until completed. This deposition shall be taken in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Middle District of Pennsylvania for use as discovery, or as evidence, or both. The deposition shall be taken before a notary public or some other official authorized to administer oaths and shall be recorded by stenographic means.

Respectfully submitted,

Dated: 10/31/02



Robert S. Mirin
AHMAD & MIRIN
8150 Derry Street
Harrisburg, PA 17111
(717) 909-4343
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

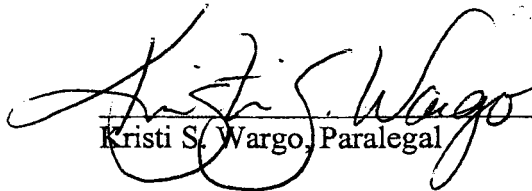
I, Kristi S. Wargo, hereby certify that on this 31st day of October, 2002, a copy of Plaintiffs' Notice of Deposition was served via first-class mail, postage prepaid, on the following:

Joseph E. Santucci, Jr.
Robyn Weiss
MORGAN, LEWIS & BOCKIUS, L.L.P.
1111 Pennsylvania Avenue, N.W.
Washington, DC 20004

Vincent Candiello
MORGAN, LEWIS & BOCKIUS, L.L.P.
One Commerce Square
417 Walnut Street
Harrisburg, PA 17101

Ira Weinstock
Jason Weinstock
IRA WEINSTOCK, P.C.
800 N. 2nd Street
Harrisburg, PA 17102

James A. McCall
Special Counsel
INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, N.W.
Washington, DC 20001



Kristi S. Wargo, Paralegal

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JEFFREY D. ALBRIGHT, NORMAN T.)
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ERDMAN, MICHAEL W. FRITZ,)
A. RONALD FROMBAUGH, RALPH A.)
HARRIS, ALLEN W. LANDIS, LOWELL)
MCGUIRE, WALTER R. MINICH,)
RAYMOND C. NEVINS, STANLEY L. NYE,)
VINCENT RAMIREZ, JR., KEITH E.)
SCRIGNOLI, RAY G. SNYDER, JR., and)
LAWRENCE D. WELKER,)

Plaintiffs

v.

DANIEL A. VIRTUE, Business Agent of the)
International Brotherhood of Teamsters;)
INTERNATIONAL BROTHERHOOD OF)
TEAMSTERS; LOCAL 776, INTERNATIONAL)
BROTHERHOOD OF TEAMSTERS; ABF)
FREIGHT SYSTEM, INCORPORATED,)

Defendants

Case No. 1:CV-00-878

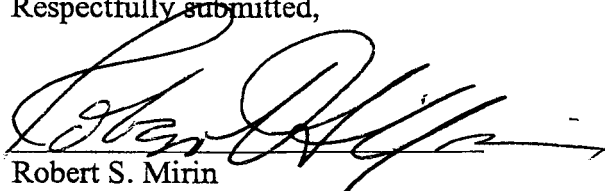
Judge Sylvia H. Rambo

NOTICE OF DEPOSITION

PLEASE TAKE NOTICE that Plaintiffs Albright, et al., by their counsel, shall take the deposition upon oral examination of DANIEL A. VIRTUE on November 7, 2002 at 2:00 p.m. at the law offices of Ahmad & Mirin, 8150, Harrisburg, PA 17101. The deposition shall continue from day to day until completed. This deposition shall be taken in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Middle District of Pennsylvania for use as discovery, or as evidence, or both. The deposition shall be taken before a notary public or some other official authorized to administer oaths and shall be recorded by stenographic means.

Respectfully submitted,

Dated: 10/31/02


Robert S. Mirin
AHMAD & MIRIN
8150 Derry Street
Harrisburg, PA 17111
(717) 909-4343
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

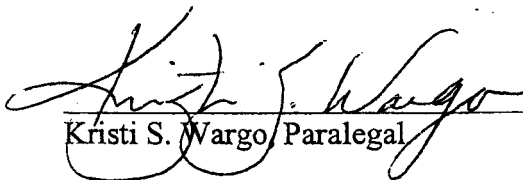
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1111 Pennsylvania Avenue, N.W.
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James A. McCall
Special Counsel
INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, N.W.
Washington, DC 20001


Kristi S. Wargo, Paralegal

HP OfficeJet T Series
Personal Printer/Fax/Copier/Scanner

Fax History Report for

Oct 31 2002 3:02pm

Last Fax

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Oct 31	2:58pm	Sent	12027393001	4:21	10	OK

Result:

OK - black and white fax

OK color - color fax

AHMAD & MIRIN
LAW OFFICES
SUITE A
8150 DERRY STREET
HARRISBURG, PA 17111
TELEPHONE: (717) 909-4343
FAX: (717) 561-1616

LETTER OF TRANSMITTAL

DATE: OCTOBER 31, 2002

NUMBER OF SHEETS
INCLUDING COVER: 10

TO: ROBYN WEISS, ESQUIRE

FAX NUMBER: 202-739-3001

FROM: ROBERT S. MIRIN, ESQUIRE

MESSAGE: RE: ABF

THANK YOU,

**SPECIAL INSTRUCTIONS: THE INFORMATION CONTAINED IN THIS TRANSMISSION IS
PRIVILEGED AND CONFIDENTIAL. IT IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY
NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU
ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPY OF THIS
COMMUNICATION MAY BE STRICTLY PROHIBITED. IF YOU RECEIVED THIS COMMUNICATION
IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE COLLECT AND RETURN THE
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THANK YOU.**

ORIGINAL DOCUMENT: XXX WILL _ WILL NOT FOLLOW VIA MAIL

AHMAD & MIRIN

Counselors and Attorneys at Law

Anser Ahmad, Esquire
Robert S. Mirin, Esquire

8150 Derry Street
Harrisburg, PA 17111
Phone (717) 909-4343
Fax: (717) 561-1616

October 31, 2002

Ira Weinstock
Jason Weinstock
IRA WEINSTOCK, P.C.
800 N. 2nd Street
Harrisburg, PA 17102

VIA FACSIMILE AND FIRST CLASS MAIL

Dear Jason:

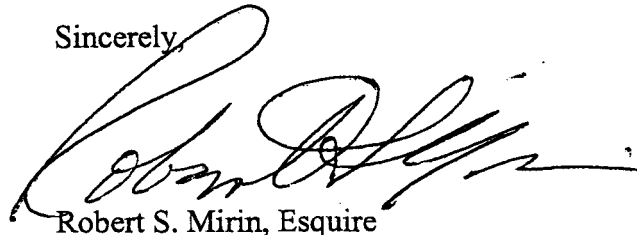
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Thank you for your fax. We are moving ahead.

If you should have any questions please contact me at 717-909-4343.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert S. Mirin", written over a horizontal line.

Robert S. Mirin, Esquire

RM/kw

Cc: Robyn Weiss, Esquire

AHMAD & MIRIN

Counselors and Attorneys at Law

Anser Ahmad, Esquire
Robert S. Mirin, Esquire

8150 Derry Street
Harrisburg, PA 17111
Phone (717) 909-4343
Fax: (717) 561-1616

October 31, 2002

Joseph E. Santucci, Jr.
Robyn Weiss
MORGAN, LEWIS & BOCKIUS, L.L.P.
1111 Pennsylvania Avenue, N.W.
Washington, DC 20004

VIA FACSIMILE AND FIRST CLASS MAIL

Dear Robyn:

Thank you for your fax of October 30, 2002. I thought we had worked out an arrangement concerning cost were by the items we duplicated for you were going to be off set by your duplication bill. As my accountant is not here at the present moment I am unable to be more specific then to indicate that fact.

Enclosed under cover of this fax and by hard copy is the Motion for extension of time, which has been filed in the case. We are also transmitting a notice of Deposition for Ms. Connie Chambers, aka Connie Couch, aka Connie Vaughn. Please note that we are sending you a Notice of Deposition without the time and place designated in conjunction with the discussions we have had, especially after Mr. Ringberg's deposition last week.

In addition, as you have requested that I reduce it to writing, I believe that you are aware that I wanted to obtain the following information: As indicated to you I am agreeable to an arrangement were by we would treat the information as appropriately confidential in terms of any disclosure in the case (I would need to be able to verify whose information we are receiving, but in terms of presentation to the Court or any public document we would either agree to seal the information or to present it in a fashion that would redact the names of the individuals in question, of course I would have to be able to verify that I have accurate information.)

The information that I need is the identity of the persons on the seniority list for Carlisle at ABF fitting the following parameters-

- The individual on the regular seniority, not the extra board, with the seniority date immediately preceding that of each of my clients seniority -viz the CF date under five point-two (§5.2), that is to say the person on the board with an

overall earlier seniority date closest to but immediately preceding that of each of my clients. For each such person I will need income data for the point when my clients returned to work at the Carlisle terminal up to and including the present time. In essence, I am designating cohorts for purposes of evaluating income differences between my clients had they been placed on the board under our theory as compared to the fashion in which they were placed on the extra board and essentially assigned new seniority dates by ABF under §5.2.

As you know we have been discussing this matter at several of the depositions prior to this time you have requested that I reduce the request to writing.

At the last deposition I also requested all prior versions of the so called Road 5.5 list along with the identification of the person(s) preparing the list, location(s) which the list is maintained and as noted above all version of the list from 1998 through the present time.

If after reviewing this request you should have any questions and/or concerns please do not hesitate to contact me at 717-909-4343.

Sincerely,

COPY

Robert S. Mirin, Esquire

RM/kw

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JEFFREY D. ALBRIGHT, NORMAN T.
BOIRE, GARY M. DIETZ, WILLIAM H.
ERDMAN, MICHAEL W. FRITZ,
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VINCENT RAMIREZ, JR., KEITH E.
SCRIGNOLI, RAY G. SNYDER, JR., and
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Plaintiffs

v.

DANIEL A. VIRTUE, Business Agent of the
International Brotherhood of Teamsters;
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS; LOCAL 776, INTERNATIONAL
BROTHERHOOD OF TEAMSTERS; ABF
FREIGHT SYSTEM, INCORPORATED,

Defendants

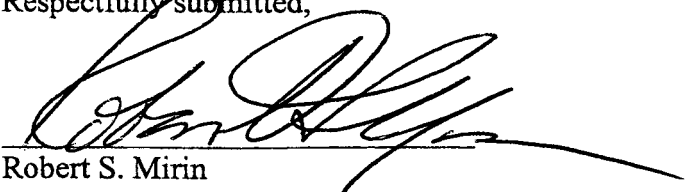
Case No. 1:CV-00-878
Judge Sylvia H. Rambo

NOTICE OF DEPOSITION

PLEASE TAKE NOTICE that Plaintiffs Albright, et al., by their counsel, shall take the deposition upon oral examination of Connie Chambers, aka Connie Couch, aka Connie Vaughn on a date, at a time and at a place to be agreed upon. The deposition shall continue from day to day until completed. This deposition shall be taken in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Middle District of Pennsylvania for use as discovery, or as evidence, or both. The deposition shall be taken before a notary public or some other official authorized to administer oaths and shall be recorded by stenographic means.

Respectfully submitted,

Dated: 10/31/02


Robert S. Mirin
AHMAD & MIRIN
8150 Derry Street
Harrisburg, PA 17111
(717) 909-4343
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

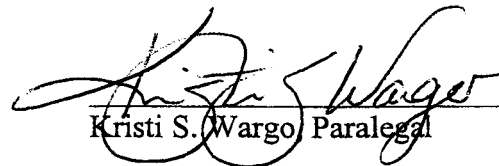
I, Kristi S. Wargo, hereby certify that on this 31st day of October, 2002, a copy of Plaintiffs' Notice of Deposition was served via first-class mail, postage prepaid, on the following:

Joseph E. Santucci, Jr.
Robyn Weiss
MORGAN, LEWIS & BOCKIUS, L.L.P.
1111 Pennsylvania Avenue, N.W.
Washington, DC 20004

Vincent Candiello
MORGAN, LEWIS & BOCKIUS, L.L.P.
One Commerce Square
417 Walnut Street
Harrisburg, PA 17101

Ira Weinstock
Jason Weinstock
IRA WEINSTOCK, P.C.
800 N. 2nd Street
Harrisburg, PA 17102

James A. McCall
Special Counsel
INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, N.W.
Washington, DC 20001


Kristi S. Wargo Paralegal

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JEFFREY D. ALBRIGHT, NORMAN T.
BOIRE, GARY M. DIETZ, WILLIAM H.
ERDMAN, MICHAEL W. FRITZ,
A. RONALD FROMBAUGH, RALPH A.
HARRIS, ALLEN W. LANDIS, LOWELL
MCGUIRE, WALTER R. MINICH,
RAYMOND C. NEVINS, STANLEY L. NYE,
VINCENT RAMIREZ, JR., KEITH E.
SCRIGNOLI, RAY G. SNYDER, JR., and
LAWRENCE D. WELKER,

Plaintiffs

v.

DANIEL A. VIRTUE, Business Agent of the
International Brotherhood of Teamsters;
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS; LOCAL 776, INTERNATIONAL
BROTHERHOOD OF TEAMSTERS; ABF
FREIGHT SYSTEM, INCORPORATED,

Defendants


Case No. 1:CV-00-878
Judge Sylvia H. Rambo

NOTICE OF DEPOSITION

PLEASE TAKE NOTICE that Plaintiffs Albright, et al., by their counsel, shall take the deposition upon oral examination of Charles Shugert on November 11, 2002 at 12:00 p.m. at the law offices of Ahmad & Mirin, 8150, Harrisburg, PA 17101. The deposition shall continue from day to day until completed. This deposition shall be taken in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Middle District of Pennsylvania for use as discovery, or as evidence, or both. The deposition shall be taken before a notary public or some other official authorized to administer oaths and shall be recorded by stenographic means.

Respectfully submitted,

Dated: 10/31/02


Robert S. Mirin
AHMAD & MIRIN
8150 Derry Street
Harrisburg, PA 17111
(717) 909-4343
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

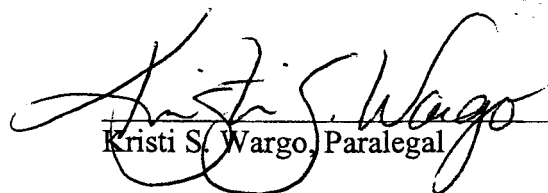
I, Kristi S. Wargo, hereby certify that on this 31st day of October, 2002, a copy of Plaintiffs' Notice of Deposition was served via first-class mail, postage prepaid, on the following:

Joseph E. Santucci, Jr.
Robyn Weiss
MORGAN, LEWIS & BOCKIUS, L.L.P.
1111 Pennsylvania Avenue, N.W.
Washington, DC 20004

Vincent Candiello
MORGAN, LEWIS & BOCKIUS, L.L.P.
One Commerce Square
417 Walnut Street
Harrisburg, PA 17101

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800 N. 2nd Street
Harrisburg, PA 17102

James A. McCall
Special Counsel
INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, N.W.
Washington, DC 20001



Kristi S. Wargo, Paralegal

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JEFFREY D. ALBRIGHT, NORMAN T.
BOIRE, GARY M. DIETZ, WILLIAM H.
ERDMAN, MICHAEL W. FRITZ,
A. RONALD FROMBAUGH, RALPH A.
HARRIS, ALLEN W. LANDIS, LOWELL
MCGUIRE, WALTER R. MINICH,
RAYMOND C. NEVINS, STANLEY L. NYE,
VINCENT RAMIREZ, JR., KEITH E.
SCRIGNOLI, RAY G. SNYDER, JR., and
LAWRENCE D. WELKER,

Plaintiffs

v.

DANIEL A. VIRTUE, Business Agent of the
International Brotherhood of Teamsters;
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS; LOCAL 776, INTERNATIONAL
BROTHERHOOD OF TEAMSTERS; ABF
FREIGHT SYSTEM, INCORPORATED,

Defendants


Case No. 1:CV-00-878
Judge Sylvia H. Rambo

NOTICE OF DEPOSITION

PLEASE TAKE NOTICE that Plaintiffs Albright, et al., by their counsel, shall take the deposition upon oral examination of DANIEL A. VIRTUE on November 7, 2002 at 2:00 p.m. at the law offices of Ahmad & Mirin, 8150, Harrisburg, PA 17101. The deposition shall continue from day to day until completed. This deposition shall be taken in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Middle District of Pennsylvania for use as discovery, or as evidence, or both. The deposition shall be taken before a notary public or some other official authorized to administer oaths and shall be recorded by stenographic means.

Respectfully submitted,

Dated: 11/31/02


Robert S. Mirin
AHMAD & MIRIN
8150 Derry Street
Harrisburg, PA 17111
(717) 909-4343
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

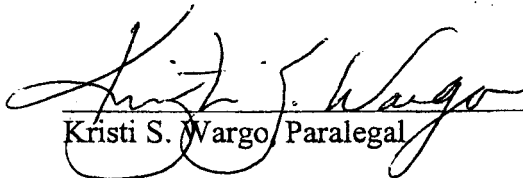
I, Kristi S. Wargo, hereby certify that on this 31st day of October, 2002, a copy of Plaintiffs' Notice of Deposition was served via first-class mail, postage prepaid, on the following:

Joseph E. Santucci, Jr.
Robyn Weiss
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James A. McCall
Special Counsel
INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, N.W.
Washington, DC 20001


Kristi S. Wargo, Paralegal

LAW OFFICES
IRA H. WEINSTOCK, P. C.

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800 N. SECOND STREET
HARRISBURG, PENNSYLVANIA 17102

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E-MAIL ADDRESS
weinstock.law@verizon.net

IRA H. WEINSTOCK
WENDY D. BOWIE
JASON M. WEINSTOCK
JOHN B. DOUGHERTY
JEFFREY R. SCHOTT
MAGGI E. COLWELL

October 31, 2002

Robert S. Mirin, Esquire
AHMAD & MIRIN
8150 Derry Street, Suite A
Harrisburg, PA 17111-5260

RE: Albright v. Virtue, et al.

Dear Mr. Mirin:

I am in receipt of your letter dated October 24, 2002 and must admit I am a bit puzzled by your remarks. To refresh your memory, you requested dates in a letter to me. I responded in a letter and also through my Secretary contacting your office. Your office was advised as to available dates on October 4, 2002. The first letter I do recall receiving from you requesting a date for Mr. Virtue's deposition was on October 2, 2002.

Also, in review of earlier correspondence, specifically, August 7, 2002, you did not mention any intention of deposing Mr. Virtue.

Mr. Virtue is presently negotiating the National Master Freight Agreement and is out of the state. If you would have requested dates earlier in the summer, perhaps, we would have already had Mr. Virtue's deposition.

As to your comments about me not returning calls, I have always returned your calls as well as your assistant's calls regarding this matter. I have no idea what you mean when you indicate that I stopped attending depositions. I have attended every deposition of the Plaintiffs. I will also attend any and all depositions you schedule of Union witnesses. To date, you have scheduled none.

Robert S. Mirin, Esquire
RE: Albright v. Virtue, et al.
October 31, 2002
Page 2

I would suggest that you file a request for an extension of time for purposes of scheduling Mr. Virtue's deposition. I have already offered you dates and you should feel free to schedule the deposition after consulting with my office and Ms. Weiss' office. Please be guided accordingly.

Very truly yours,


JASON M. WEINSTOCK

JMW:rln
cc: Robyn Weiss, Esquire
VIA FACSIMILE AND FIRST CLASS MAIL